

REMARKS

Entry and allowance of the foregoing claims are requested. Following entry of those amendments, claims 6-12, 14-17, 23-28, and 36-45 are pending. Claims 6-10, 12, 14-17, 23, 24, 27, and 28 stand rejected. Claims 11, 25, and 26 stand objected to as depending from a rejected base claim. Claims 6, 14, and 23 are amended herein. Claims 36-45 are added.

Support for the amendment to claims 6, 14, and 23 may be found in paragraphs 16-18, 26 and 37 of the specification as filed. Support for the addition of claim 36 is found in paragraph 53. Support for the addition of claim 37 is found in paragraph 73. Support for the addition of claim 38 is found in paragraphs 49, 51 and 52. Support for the addition of claims 39 and 40 is found in paragraph 74. Support for new claims 41 and 42 is found in paragraph 62. Support for claims 43 and 44 is found in paragraph 56. Support for claim 45 is found in paragraphs 54 and 18. Entry of the above amendments and allowance of the claims are respectfully requested.

Rejections

35 U.S.C. § 102(b)

Claims 6-10, 12, 14-17, 23, and 24 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by United States Patent No. 1,910,975 ("the '975 patent"). Claims 6-9, 12, 14-16, 23, and 24 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by United States Patent No. 5,328,497 ("the '497 patent"). Claims 27 and 28 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious over the '975 patent and the '497 patent as applied to the underlying claims in view of United States Patent No. 5,714,387.

Applicants submit that these rejections have been rendered moot by the amendments made to independent claims 6, 14, and 23, specifying that the composition be suitable for dust control *and* soil stabilization. Those skilled in the art will recognize that, while a number of

compositions and methods may be useful for suppression of dust, and a number of different methods may be suitable for soil stabilization, merely because a method is applicable for one use does not mean that it is automatically applicable for the other. Both the '497 patent and the '975 patent claim only to relate to dust control. Some methods that provide soil stabilization (that is, prevention of road wear) do not provide adequate dust control. Similarly, some substances, such as soy oil, while possibly suitable for dust control, do not provide soil stabilization. In fact, some dust-control substances have been known to degrade dirt roads at an accelerated pace.

The relationship of the '975 patent to “dust control and soil stabilization” is further attenuated by the '975 patent’s emphasis on coal dust. Methods that may be suitable for suppressing coal dust have little apparent applicability to road surface dust suppression and to surface stabilization. Coal is not subjected to the wear to which most surfaces are subjected. Furthermore, the density of coal and coal dust is markedly different from that of soil surfaces, and there is no guarantee that a coal dust suppression agent would be suitable for road surface applications.

None of the cited references teach methods for both dust control *and* soil stabilization. Furthermore, given the generally divergent nature of dust control and soil stabilization as was previously practiced in the art, it is unlikely that one would combine these references. Therefore, the rejection should be removed and the claims allowed.

#### Objections

Claims 11, 25, and 26 are objected to as being dependent upon a rejected base claim. These claims have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants therefore believe that they are in condition for allowance. Reconsideration and allowance are earnestly solicited.

CONCLUSION

Applicants believe that all of the rejections and objections in the pending Office Action have been fully addressed and that the enclosed amendments place the claims in condition for allowance. Entry of the amendments and allowance of all claims are earnestly solicited. In the event that personal communication with the undersigned would facilitate allowance of any claims, the Examiner is asked to contact the undersigned attorney at the number below.

Respectfully submitted,



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